

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 19737 of 2007(Y)

PETITIONER:

**SAJU.S., S/O SUKUMARAN,
THEKKUMKARA PUTHEN VEEDU,
ERUMODU, KOTTAKKAKOM P.O.,
ARYANAD, NEDUMANGAD,
TRIVANDRUM DISTRICT.**

**BY ADVS. SRI.NAGARAJ NARAYANAN
SRI.NEMOM V.SANJEEV
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.**
- 3. THE DIRECTOR,
INDUSTRIAL TRAINING DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

**R1 & R3 BY GOVERNMENT PLEADER SMT.REMANI
R2 BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

V.GIRI, J.

W.P.(C).No.19737 of 2007 Y

Dated this the 22nd day of October, 2007.

JUDGMENT

The petitioner was rank No.3 in a list published by the Public Service Commission for the post of Junior Instructor (Painter General). The list was published on 18.6.2003 and it expired on 17.6.2006. According to the petitioner, there was one vacancy which was available prior to the expiry of the list. Therefore, the Public Service Commission may be directed to advise candidates from the rank list insofar as the vacancy which was reported prior to the expiry of the rank list is concerned.

2. In the counter affidavit filed on behalf of the 2nd respondent, it is noted therein that the rank list published for the post of Junior Instructor came into effect on 18.06.2003. 18 persons were included in the main list and 22 were included in the supplementary list. The list expired on 17.06.2006. A fresh vacancy reported on 25.09.1997 was filled up

on 17.07.2003. Two more vacancies were reported on 04.06.2004 and two candidates were advised on 26.06.2004. Altogether 3 candidates were advised from the rank list. No vacancy was reported on 09.06.2006, as contended by the petitioner. It is categorically asserted by the Public Service Commission that no vacancy was reported on the date of expiry of the rank list. It is also contended that the writ petition is filed on 26.6.2006, after one year of the expiry of the rank list. I do not find any reason to doubt the version given by the Public Service Commission. It is also noteworthy that the petitioner has not filed a rejoinder thereto. There are no other materials on record to infer any infirmity in the stand taken by the Public Service Commission. This court cannot issue any directions to the Public Service Commission to advise candidates from a list which has already expired.

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For all these reasons, the writ petition is bereft of any merits and the same is dismissed.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge